

By: Hinojosa

H.B. No. 3842

A BILL TO BE ENTITLED

AN ACT

relating to transferring the Office for the Prevention of
Developmental Disabilities to The University of Texas at Austin.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 531.0202(b), Government Code, is amended
to read as follows:

(b) The Department of Aging and Disability Services is
~~[following state agency and entity are]~~ abolished on a date that is
within the period prescribed by Section 531.02001(2), that is
specified in the transition plan required under Section 531.0204
for the abolition of the department ~~[state agency or entity]~~, and
that occurs after all of the department's ~~[state agency's or
entity's]~~ functions have been transferred to the commission in
accordance with Sections 531.0201 and 531.02011[+]

~~[(1) the Department of Aging and Disability Services,~~
~~and~~

~~[(2) the Office for the Prevention of Developmental
Disabilities].~~

SECTION 2. Chapter 67, Education Code, is amended by adding
Subchapter E, and a heading is added to that subchapter to read as
follows:

SUBCHAPTER E. OFFICE FOR THE PREVENTION OF DEVELOPMENTAL
DISABILITIES

SECTION 3. Sections 112.041, 112.042, 112.043, 112.044,

1 112.047, 112.0471, 112.0472, 112.048, 112.049, 112.050, and
2 112.051, Human Resources Code, are transferred to Subchapter E,
3 Chapter 67, Education Code, as added by this Act, redesignated as
4 Sections 67.81, 67.82, 67.83, 67.84, 67.85, 67.86, 67.87, 67.88,
5 67.89, 67.90, and 67.91, Education Code, respectively, and amended
6 to read as follows:

7 Sec. 67.81 [~~112.041~~]. PURPOSE AND POLICY. (a) The purpose
8 of this subchapter [~~Act~~] is to minimize the economic and human
9 losses in Texas caused by preventable disabilities through the
10 establishment of a joint private-public initiative called the
11 Office for the Prevention of Developmental Disabilities.

12 (b) The legislature finds there is a strong need for a
13 unified, comprehensive prevention effort in the State of Texas.
14 Many state agencies, as well as private organizations and local
15 public agencies, are involved in prevention activities that can
16 reduce the incidence and severity of developmental disabilities.
17 However, a coordinated statewide plan that identifies and
18 consolidates research findings and prevention activities has yet to
19 be developed.

20 (c) The legislature further finds that by establishing a
21 mechanism by which prevention activities can be better coordinated
22 and needed prevention programs can be initiated, the State of Texas
23 will be making an important investment in Texas's future.

24 Sec. 67.82 [~~112.042~~]. DEFINITIONS. In this subchapter:

25 (1) [~~"Commission" means the Health and Human Services~~
26 ~~Commission.~~]

27 [~~(1-a)~~] "Developmental disability" means a severe,

1 chronic disability that:

2 (A) is attributable to a mental or physical
3 impairment or to a combination of a mental and physical impairment;

4 (B) is manifested in a person before the [a]
5 person reaches the age of 22;

6 (C) is likely to continue indefinitely;

7 (D) results in substantial functional
8 limitations in three or more major life activities, including:

9 (i) self-care;

10 (ii) receptive and expressive language;

11 (iii) learning;

12 (iv) mobility;

13 (v) self-direction;

14 (vi) capacity for independent living; and

15 (vii) economic sufficiency; and

16 (E) reflects the person's needs for a combination
17 and sequence of special interdisciplinary or generic care,
18 treatment, or other lifelong or extended services that are
19 individually planned and coordinated.

20 (2) [~~(1-b)~~] "~~Executive commissioner~~" means the
21 ~~executive commissioner of the Health and Human Services Commission.~~

22 [~~(2)~~] "~~Executive committee~~" means the ~~executive~~
23 ~~committee of the Office for the Prevention of Developmental~~
24 ~~Disabilities.~~

25 [~~(3)~~] "Office" means the Office for the Prevention of
26 Developmental Disabilities.

27 Sec. 67.83 [~~112.043~~]. OFFICE FOR THE PREVENTION OF

1 DEVELOPMENTAL DISABILITIES[, ~~ADMINISTRATIVE ATTACHMENT~~]. [~~(a)~~]

2 The Office for the Prevention of Developmental Disabilities is
3 established under and administered by [~~administratively attached~~
4 ~~to~~] the university [~~Health and Human Services Commission~~].

5 [~~(b) The Health and Human Services Commission shall:~~

6 [~~(1) provide administrative assistance, services, and~~
7 ~~materials to the office,~~

8 [~~(2) accept, deposit, and disburse money made~~
9 ~~available to the office,~~

10 [~~(3) accept gifts and grants on behalf of the office~~
11 ~~from any public or private entity,~~

12 [~~(4) pay the salaries and benefits of the executive~~
13 ~~director and staff of the office,~~

14 [~~(5) reimburse the travel expenses and other actual~~
15 ~~and necessary expenses of the executive committee, executive~~
16 ~~director, and staff of the office incurred in the performance of a~~
17 ~~function of the office, as provided by the General Appropriations~~
18 ~~Act,~~

19 [~~(6) apply for and receive on behalf of the office any~~
20 ~~appropriations, gifts, or other money from the state or federal~~
21 ~~government or any other public or private entity, subject to~~
22 ~~limitations and conditions prescribed by legislative~~
23 ~~appropriation,~~

24 [~~(7) provide the office with adequate computer~~
25 ~~equipment and support, and~~

26 [~~(8) provide the office with adequate office space and~~
27 ~~permit the executive committee to meet in facilities of the~~

1 ~~commission.~~

2 ~~[(c) The executive director and staff of the office are~~
3 ~~employees of the office and not employees of the Health and Human~~
4 ~~Services Commission.]~~

5 Sec. 67.84 [112.044]. DUTIES. The office shall:

6 (1) educate the public and attempt to promote sound
7 public policy regarding the prevention of developmental
8 disabilities;

9 (2) identify, collect, and disseminate information
10 and data concerning the causes, frequency of occurrence, and
11 preventability of developmental disabilities;

12 (3) work with appropriate ~~[divisions within the~~
13 ~~commission,~~] state agencies~~[7]~~ and other entities to develop a
14 coordinated long-range plan to effectively monitor and reduce the
15 incidence or severity of developmental disabilities;

16 (4) promote and facilitate the identification,
17 development, coordination, and delivery of needed prevention
18 services;

19 (5) solicit, receive, and spend grants and donations
20 from public, private, state, and federal sources;

21 (6) identify and encourage establishment of needed
22 reporting systems to track the causes and frequencies of occurrence
23 of developmental disabilities;

24 (7) develop, operate, and monitor programs created
25 under Section 67.88 [112.048] addressing the prevention of specific
26 targeted developmental disabilities;

27 (8) monitor and assess the effectiveness of ~~[divisions~~

1 ~~within the commission and of~~ state agencies, including the Health
2 and Human Services Commission, in preventing developmental
3 disabilities;

4 (9) recommend the role each ~~[division within the~~
5 ~~commission and each]~~ state agency should have with regard to
6 prevention of developmental disabilities;

7 (10) facilitate coordination of state agency
8 prevention services and activities ~~[within the commission and]~~
9 among appropriate state agencies; and

10 (11) encourage cooperative, comprehensive, and
11 complementary planning among public, private, and volunteer
12 individuals and organizations engaged in prevention activities,
13 providing prevention services, or conducting related research.

14 Sec. 67.85 ~~[112.047]~~. ~~[EXECUTIVE]~~ DIRECTOR. (a) The board
15 ~~[executive committee]~~ may hire a a ~~[an executive]~~ director to serve
16 as the chief executive officer of the office and to perform the
17 administrative duties of the office.

18 (b) The ~~[executive]~~ director serves at the will of the board
19 ~~[executive committee]~~.

20 (c) The ~~[executive]~~ director may hire staff within
21 guidelines established by the board ~~[executive committee]~~.

22 Sec. 67.86 ~~[112.0471]~~. QUALIFICATIONS AND STANDARDS OF
23 CONDUCT. The ~~[executive]~~ director or the ~~[executive]~~ director's
24 designee shall provide to members of the board ~~[executive~~
25 ~~committee]~~ and to employees of the office, as often as necessary,
26 information regarding the requirements for office or employment
27 under this subchapter, including information regarding a person's

responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 67.87 [~~112.0472~~]. EQUAL EMPLOYMENT OPPORTUNITY POLICIES. (a) The [~~executive~~] director shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the office to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an analysis of the extent to which the composition of the office's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(c) The policy statement must:

(1) be updated annually;

(2) be reviewed by the Texas Workforce Commission civil rights division for compliance with Subsection (b)(1); and

(3) be filed with the governor's office.

Sec. 67.88 [~~112.048~~]. PREVENTION PROGRAMS FOR TARGETED DEVELOPMENTAL DISABILITIES. (a) The office [~~executive committee~~] shall establish guidelines for:

(1) selecting targeted disabilities;

(2) assessing prevention services needs; and

1 (3) reviewing plans, budgets, and operations for
2 programs under this section.

3 (b) The office [~~executive committee~~] shall plan and
4 implement prevention programs for specifically targeted
5 developmental disabilities.

6 (c) A program under this section:

7 (1) must include a plan designed to reduce the
8 incidence of a specifically targeted disability;

9 (2) must include a budget for implementing a plan;

10 (3) must be funded through:

11 (A) contracts for services from participating
12 agencies;

13 (B) grants and gifts from private persons and
14 consumer and advocacy organizations; and

15 (C) foundation support; and

16 (4) must be approved by the board [~~executive~~
17 ~~committee~~].

18 Sec. 67.89 [~~112.049~~]. EVALUATION. (a) The office shall
19 identify or encourage the establishment of needed statistical bases
20 for each targeted group against which the office can measure how
21 effectively a program under Section 67.88 [~~112.048~~] is reducing the
22 frequency or severity of a targeted developmental disability.

23 (b) The board [~~executive committee~~] shall regularly monitor
24 and evaluate the results of programs under Section 67.88 [~~112.048~~].

25 Sec. 67.90 [~~112.050~~]. GRANTS AND OTHER FUNDING. (a) The
26 board [~~executive committee~~] may apply for and distribute private,
27 state, and federal funds to implement prevention policies set by

1 the board [~~executive committee~~].

2 (b) The board [~~executive committee~~] shall establish
3 criteria for application and review of funding requests and
4 accountability standards for recipients. The board [~~executive~~
5 ~~committee~~] may adjust its criteria as necessary to meet
6 requirements for federal funding.

7 (c) The board [~~executive committee~~] may not submit a
8 legislative appropriation request for general revenue funds for
9 purposes of this subchapter.

10 (d) In addition to funding under Subsection (a), the office
11 may accept and solicit gifts, donations, and grants of money from
12 public and private sources, including the federal government, local
13 governments, and private entities, to assist in financing the
14 duties and functions of the office. The university [~~commission~~]
15 shall support office fund-raising efforts authorized by this
16 subsection. Funds raised under this subsection are administered by
17 the university and may only be spent in furtherance of a duty or
18 function of the office or in accordance with rules applicable to the
19 office. The university shall maintain a separate accounting of
20 funds raised under this subsection.

21 Sec. 67.91 [~~112.051~~]. REPORTS TO LEGISLATURE. The office
22 shall submit by February 1 of each odd-numbered year biennial
23 reports to the legislature detailing findings of the office and the
24 results of programs under Section 67.88 [~~112.048~~] and recommending
25 improvements in the delivery of developmental disability
26 prevention services.

27 SECTION 4. Section 22.04(c)(3), Penal Code, is amended to

1 read as follows:

2 (3) "Disabled individual" means a person:

3 (A) with one or more of the following:

4 (i) autism spectrum disorder, as defined by
5 Section 1355.001, Insurance Code;

6 (ii) developmental disability, as defined
7 by Section 67.82 [~~112.042~~], Education [~~Human Resources~~] Code;

8 (iii) intellectual disability, as defined
9 by Section 591.003, Health and Safety Code;

10 (iv) severe emotional disturbance, as
11 defined by Section 261.001, Family Code; or

12 (v) traumatic brain injury, as defined by
13 Section 92.001, Health and Safety Code; or

14 (B) who otherwise by reason of age or physical or
15 mental disease, defect, or injury is substantially unable to
16 protect the person's self from harm or to provide food, shelter, or
17 medical care for the person's self.

18 SECTION 5. The following provisions of the Human Resources
19 Code are repealed:

20 (1) Sections 112.0421, 112.0431, 112.045, 112.0451,
21 112.0452, 112.0453, 112.0454, and 112.046; and

22 (2) the heading to Subchapter C, Chapter 112.

23 SECTION 6. (a) On the effective date of this Act:

24 (1) the Office for the Prevention of Developmental
25 Disabilities is abolished as an independent office and is
26 transferred to The University of Texas at Austin as a program;

27 (2) the executive committee and the board of advisors

1 of the office are abolished;

2 (3) the position of executive director of the office
3 is abolished, but the board of regents of The University of Texas
4 System may hire the person serving as the executive director
5 immediately before the effective date of this Act for a position in
6 the office;

7 (4) an employee of the office becomes an employee of
8 The University of Texas at Austin;

9 (5) all money, including gifts, donations, and grants
10 of money, contracts, leases, rights, and obligations of the office
11 are transferred to The University of Texas at Austin;

12 (6) all property, including records, in the custody of
13 the office becomes the property of The University of Texas at
14 Austin;

15 (7) all funds appropriated by the legislature to the
16 office are transferred to The University of Texas at Austin; and

17 (8) all functions and activities performed by the
18 office are transferred to The University of Texas at Austin.

19 (b) The validity of an action taken by the Office for the
20 Prevention of Developmental Disabilities or the executive
21 committee or board of advisors of the office before the effective
22 date of this Act is not affected by the abolishment of the office.

23 (c) A rule, form, policy, procedure, or decision of the
24 Office for the Prevention of Developmental Disabilities or the
25 Health and Human Services Commission that is related to the office
26 is continued in effect as a rule, form, policy, procedure, or
27 decision of The University of Texas System until superseded by a

1 rule, form, policy, procedure, or decision of the system.

2 (d) Any action or proceeding pending before the Office for
3 the Prevention of Developmental Disabilities on the effective date
4 of this Act becomes an action or proceeding before The University of
5 Texas at Austin.

6 SECTION 7. This Act takes effect August 31, 2017.